



POLICE DEPARTMENT

Employee Management Division
1 Police Plaza – Room 1000
New York, N.Y. 10038

January 30, 2008

Solomon Lesane



Pursuant to the powers vested in him by Section 14-115 of the Administrative Code of the City of New York, the Police Commissioner has directed that you be dismissed from the New York City Police Department.

Therefore, you are **Dismissed** as a Detective in the Police Department of the City of New York effective: 1500 hours, January 29, 2008.

Arnold S. Wechsler
Assistant Commissioner
Employee Management Division

ASW/dj

Sent by United States Postal Service- certified mail and return receipt requested.
Member of the Service currently under suspension.

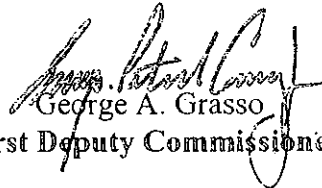
FIRST ENDORSEMENT

First Deputy Commissioner to Police Commissioner, January 3, 2008. Contents noted. I have reviewed the recommendation of the Chief of Personnel to terminate Police Officer Solomon Lesane, tax #917869 while he is on Dismissal Probation. I concur. **RECOMMEND APPROVAL.**

GAG/TJA/tja


APPROVED

JAN 17 2008
RAYMOND W. KELLY
POLICE COMMISSIONER

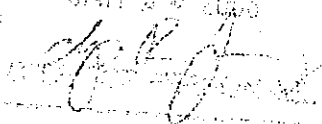

George A. Grasso
First Deputy Commissioner

SECOND ENDORSEMENT

Commanding Officer Police Commissioner's Office to Chief of Personnel, January 28, 2008. Please note the Police Commissioner's **APPROVAL** of the First Endorsement and the recommendation **TO TERMINATE THE SERVICES** of Police Officer Solomon Lesane, tax # 917869 while said officer is on Dismissal Probation. Forwarded for necessary attention.


Lowell Stahl
Assistant Chief

cc: File (1)

APPROVED
JAN 29 2008


**POLICE DEPARTMENT
CITY OF NEW YORK**

December 11, 2007

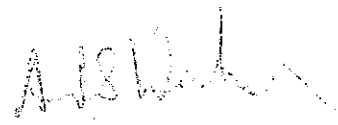
From: Assistant Commissioner, Employee Management Division

To: Chief of Personnel

Subject: **RECOMMEND TERMINATION OF POLICE OFFICER SOLOMON
LESANE, TAX #917869, MANHATTAN COURT SECTION, WHILE ON
DISMISSAL PROBATION**

1. The attached communication is forwarded for your information.

ASW/DGJ/al


Arnold S. Wechsler
Assistant Commissioner
Employee Management Division

**POLICE DEPARTMENT
CITY OF NEW YORK**

December 20 , 2007

From: Chief of Personnel

To: First Deputy Commissioner

Subject: **RECOMMEND TERMINATION OF POLICE OFFICER
SOLOMON LESANE, TAX# 917869, MANHATTAN COURT
SECTION, WHILE ON DISMISSAL PROBATION**

1. On September 17, 2007, the Department of Corrections notified this Department that an internal investigation was being conducted into the circumstances surrounding a missing prisoner in their custody. Their investigation revealed the error may have been with NYPD uniformed personnel assigned to the Manhattan Court Section. A preliminary investigation by this Department identified Police Officer Solomon Lesane, Tax# 917869, Manhattan Court Section, as one of the members responsible for the custody, control and delivery of the prisoner to the Department of Corrections (DOC). The Internal Affairs Bureau was notified and an investigation was commenced. The initial investigation caused the suspension of Police Officer Lesane who is currently on Dismissal Probation. Based on the findings it was determined that Police Officer Lesane failed to properly safeguard a prisoner in custody of this Department. In light of these findings, it is clear that Police Officer Lesane has not learned from his previous misconduct, and should therefore be dismissed from the Department. The details are as follows.

2. On September 14, 2007, [REDACTED], NYSID# [REDACTED] was arrested in the 23rd Precinct for Criminal Possession of a Controlled Substance and Criminal Trespass. While in custody of 23rd Precinct personnel, he was taken to Metropolitan Hospital and admitted for treatment of a previous medical condition. On September 16, 2007, the defendant was discharged and transported to Manhattan Court at 1616 hours for arrest processing. At the time of the defendant's arraignment, he plead guilty to Penal Law Section 140.15 (Criminal Trespass, 2nd Degree). Judge Clott remanded the defendant and sentenced him to serve 10 days. The defendant was then allegedly placed on the committal bench and transferred to the custody of DOC. However, surveillance video shows the defendant exiting the courtroom. Manhattan Court records reflect that DOC accepted paperwork for thirteen (13) prisoners who were lodged by Police Officer Lesane. It was later discovered that DOC only received twelve (12) prisoners. Immediately thereafter, DOC began an internal investigation and on September 17, 2007 at approximately 1100hrs, the defendant was re-apprehended at his place of residence.

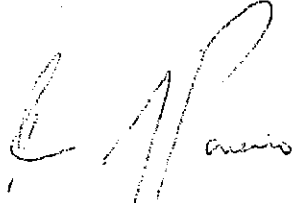
3. Investigative interviews conducted by the Department discloses that Sergeant Thomas Keane, Tax# 897770, the supervisor on duty at the Manhattan Court Section at the time of the incident, was never informed by any member of the service or DOC that a prisoner was missing. Police Officer Claude Dorsaint, Tax# 934791, assigned to post C2, was also interviewed and stated he advised Police Officer Lesane about one remaining prisoner who needed to be removed to DOC, and that after he observed the defendant being secured by Police Officer Lesane, he departed the courtroom and went to meal. Police Officer Victor Santos, Tax# 942518, assigned to post# FC1, was also interviewed and stated that before he departed for meal, he secured the defendant on the prisoner's bench and informed Police Officer Lesane that the defendant had to be removed to the DOC. Bureau Chief Buckheit of the Manhattan District Attorney's Office Official Corruption Unit was conferred with and determined that no official Department interview will be conducted with Police Officer Lesane at this time.

4. A check of Police Officer Lesane's monitoring folder shows that on September 12, 2004, he was placed on modified assignment as a result of an internal investigation. On January 26, 2006, Police Officer Lesane received a penalty of one-year dismissal probation for wrongfully using the FINEST system, making improper activity log entries and using profanity during an official Department interview. On March 2, 2006, Police Officer Lesane became the subject of charges and specifications while on dismissal probation for his alleged presence in a Witness Room at Bronx Criminal Court where a uniformed member was present to testify before a Grand Jury regarding the robbery arrest of Police Officer Lesane's son. The case is still pending in the Department Advocate's Office and Police Officer Lesane remains modified with an extended dismissal probation period. A review of Police Officer Lesane's monthly performance profiles reveals that, with the exception of September, 2007, he has been rated competent. He also received highly competent and above highly competent ratings on his 2005 and 2006 annual performance evaluations.

5. In view of the foregoing investigation, along with interviews and the video, it has been determined that Police Officer Lesane had sole custody of the prisoner when he walked out of the court room. This incident highlights the fact that Police Officer Lesane is unable to alter his behavior or conform to Department procedure. Based on the foregoing, Police Officer Lesane is clearly no longer suitable for continued employment with the Department. Therefore, it is recommended that the penalty of dismissal be immediately imposed and that Police Officer Lesane be expeditiously terminated from the Department.

6. Forwarded for your consideration.

RP/DGJ/al


Rafael Pineiro
CHIEF OF PERSONNEL



POLICE DEPARTMENT

January 25, 2008

MEMORANDUM FOR: POLICE COMMISSIONER

Re: Police Officer Solomon LeSane
Tax Registry No. 917869
Manhattan Court Section
Disciplinary Case No. 81737/06

The above-named member of the Department appeared before me on May 10, 2007, July 25 2007, and October 23, 2007,¹ charged with the following:

1. Said Police Officer Solomon LeSane, assigned to the Manhattan Court Section on or about May 10, 2005, at about 1530 hours, while off-duty, in or about the vicinity of the Bronx Criminal Court located at 215 E 161ST Street, Bronx, New York, did wrongfully engage in conduct prejudicial to the good order, efficiency and discipline of he Department, in that said officer escorted several unauthorized persons into the restricted Grand Jury Witness Waiting Room. (*As amended*)

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT

2. Said Police Officer Solomon LeSane, assigned to the Manhattan Court Section on or about May 10, 2005, at about 1530 hours, while off-duty, in or about the vicinity of the Bronx Criminal Court located at 215 E 161ST Street, Bronx, New York, did wrongfully engage in conduct prejudicial to the good order, efficiency and discipline of he Department, in that said officer entered the restricted Grand Jury Witness Waiting Room without authorization. (*As amended*)

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT - PROHIBITED CONDUCT

3. Said Police Officer Solomon LeSane, assigned to the Manhattan Court Section on or about October 26, 2005 at about 1136 hours, during said Officer's Official Department Interview, conducted by Sergeant Kenneth L. Morgan, pursuant to Patrol Guide 206-13, did intentionally and wrongly make false and misleading official statements regarding a material matter, the sum and substance of said statements being as

¹ Although trial testimony originally concluded on May 10, 2007, and the record was originally to be closed as of May 25, 2007, the Assistant Department Advocate requested that the record be reopened so that the Department could recall a witness. Based on that recall testimony, the Respondent was then permitted to call an additional witness.

follows: that on May 10, 2005, Police Officer LeSane denied being on the 4th floor of the Bronx Court House, that he was never escorted out of the restricted Grand Jury Witness Waiting Room and that he never escorted several unauthorized persons into the restricted Grand Jury Witness Waiting Room, while knowing that said representations were false.
(*As amended*)

P.G. 203-08, Page 1, Paragraph 1 – MAKING FALSE STATEMENTS

4. Said Police Officer Solomon LeSane, assigned to the Manhattan Court Section on or about October 20, 2006 at about 1549 hours during said Officer's Official Department Interview, conducted by Sergeant Kenneth L. Morgan, pursuant to Patrol Guide 206-13, did intentionally and wrongly make false and misleading official statements regarding a material matter, the sum and substance of said statements being as follows: that on May 10, 2005, Police Officer LeSane denied being on the 4th floor of the Bronx Court House, that he was never escorted out of the restricted Grand Jury Witness Waiting Room and that he never escorted several unauthorized persons into the restricted Grand Jury Witness Waiting Room, while knowing that said representations were false.
(*As amended*)

P.G. 203-08, Page 1, Paragraph 1 – MAKING FALSE STATEMENTS

The Department was represented by Stephen Bonfa, Esq., Department Advocate's Office, and the Respondent was represented by John Tynan, Esq.

The Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent is found Guilty.

EVIDENCEThe Department's Case

The Department called Assistant District Attorney Veronica Seoane, Lieutenant Thomas Gorey and Sergeant Kenneth Morgan as witnesses.

Assistant District Attorney Veronica Seoane

Assistant District Attorney (ADA) Seoane testified that she has been employed by the Bronx District Attorney's Office as an ADA for the past seven years. Seoane described the District Attorney's offices which are located inside the courthouse at 215 East 161 Street, the Bronx. Seoane testified that the second floor of this building is where the Clerk's office and the courtrooms are located. The District Attorney's offices, the Grand Jury waiting room, and the rooms where the Grand Jurors hear testimony are located on the fourth floor. This floor also contains a small office where detective investigators assigned to the District Attorney's Office have their desks. Seoane testified that a New York State Court Officer is stationed at a desk which is located right outside the elevator on the fourth floor of the building. Seoane noted that the fourth floor offices and the Grand Jury area can also be accessed through a side entrance to the building on Sherman Avenue, which leads to a private elevator that can be taken to the fourth floor. Seoane testified that only Grand Jury personnel, District Attorney staff, and law enforcement officers on official business are permitted to use this private elevator to access the fourth floor.

Seoane recalled that on May 10, 2005, she was assigned to conduct a Grand Jury presentation regarding charges pending against defendant [REDACTED] who had been arrested by Police Officer Michael Flower. Seoane recalled that at about 2:00 p.m., she

escorted [REDACTED]'s attorney, Martin Fisher, to the Grand Jury Coordinator's office on the fourth floor of the courthouse. She testified that at about 3:00 p.m., she was presenting evidence in the case to the Grand Jury when she was approached by Officer Flower. Flower told her that [REDACTED]'s father, mother, and a young girl were in the Grand Jury waiting room. Seoane testified that the Grand Jury waiting room is restricted to witnesses who are waiting to testify before the Grand Jury, not interested parties who will not be testifying. After Flower told her this, Seoane entered the Grand Jury waiting room and saw Fisher speaking to a man and two women. She brought Fisher out of the Grand Jury waiting room and escorted him into the Grand Jury Coordinator's office. There, Seoane asked him, "Who are the people with you?" Fisher told her, "That's my client's father, mother, and my client's girlfriend." Seoane then escorted Fisher out of the Grand Jury Coordinator's office and into the Grand Jury waiting room. Fisher pointed out his client's father. Seoane identified the Respondent in the trial room as the man that Fisher had pointed out. Seoane asked Fisher, "What are they doing here?" Fisher told her, "I didn't bring them here. They just showed up."

Seoane testified that she immediately notified Lieutenant Thomas Gorey who responded to the Grand Jury witness room accompanied by another member of the service. Seoane saw Lieutenant Gorey speak to Police Officer Flower. Lieutenant Gorey then escorted the Respondent and the two females with him out of the Grand Jury waiting room and into a fourth floor reception room.

On cross-examination, Seoane recalled that the Respondent was wearing plainclothes at the time Fisher pointed him out to her. Flower did not tell her the names of [REDACTED]'s father or mother or the other female. Seoane testified that she reported this incident to her supervisors.

Lieutenant Thomas Gorey

Gorey testified that on May 10, 2005, he was inside the Bronx Courthouse when a uniformed police officer approached him and told him that unauthorized persons were in the Grand Jury waiting room. Gorey recalled that the officer told him that one of the persons was a New York City police officer "who is the father of the guy I locked up." Gorey recalled that he approached ADA Seoane and asked her, "Is the father of the defendant going to be a witness?" Seoane responded in the negative. Gorey then asked the attorney for the defendant the same question and he also responded in the negative. Gorey then personally escorted the male and two females who were with him out of the Grand Jury witness waiting room. Gorey testified that he did not prepare a report regarding this matter because he did not consider it an unusual occurrence since it was not unusual for non-witnesses and non-defense attorneys to accidentally enter the witness room by mistake.

On cross-examination, Gorey testified that there are no signs posted outside the Grand Jury witness waiting room indicating that the waiting room is a "restricted area." Gorey testified that it was his present recollection that he had personally spoken to the ADA. He confirmed that a report that was prepared regarding this incident indicated that the ADA had notified him that the male who was not supposed to be in the Grand Jury witness waiting room was dressed in "casual wear." Gorey testified that the ADA was not present when he escorted the male and the two females out of the Grand Jury witness waiting room. Gorey testified that at the time of this incident, "I saw the situation as a father concerned about his son's case." It was Gorey's belief that the father did not know that he was not permitted to wait for his son in the witness room.

Sergeant Kenneth Morgan

Sergeant Morgan testified that he was assigned to investigate Police Officer Flower's allegation against the Respondent regarding the incident that occurred on May 10, 2005. Morgan testified that he interviewed Police Officer Flower, ADA Seaone, Lieutenant Gorey, and an individual named [REDACTED]. Morgan testified that he conducted two official Department interviews of the Respondent.

Morgan conducted a tape recorded official Department interview of the Respondent on October 26, 2005 (Department's Exhibit [DX] 1). [At this interview the Respondent stated that on May 10, 2005, he and his wife went to the Bronx Courthouse. He recalled that his son [REDACTED] girlfriend "showed up" and met them in the court house but, "I don't know when she showed up. I don't know when she left. I know she was there." The Respondent recalled that the lawyer representing his son [REDACTED] "was ticked off" at his son and that the lawyer referred to his son as "an asshole." When the Respondent was asked if he had been escorted from the fourth floor area, he answered, "I didn't get escorted out of the building. I didn't get escorted out from no floor. I didn't get escorted period. I didn't have no cops approach me. I didn't have no sergeant or lieutenant approach me." He was asked, "Was there any reason that you went to the fourth floor that day?" He answered, "No."]

Morgan conducted a second tape recorded official Department interview of the Respondent on October 20, 2006 (DX 2). [At this interview the Respondent recalled that on the morning of May 10, 2005, he and his wife went to the Bronx Courthouse and entered through the main public entrance. They remained in a courtroom on the second floor. When the court broke for lunch, they left and returned home. They came back and

reentered the courtroom on the second floor. The Respondent was asked, "Did you have an occasion to go up to the fourth floor that day?" He answered, "No." The Respondent was asked, "Are you positive about that?" He answered, "I had no reason to go on the fourth floor." The Respondent was then asked, "Okay, but did you go? Did your wife go? Anyone in your family go?" To all these questions he answered, "No." The Respondent was asked, "Were you ever escorted out? By any court officers or told to leave or told that you were in the wrong location?" He answered, "No." The Respondent was asked, "You've never been to the fourth floor when not on official police business dealing with NYPD?" He answered, "That's correct." He stated that he was familiar with where the witness room is located and he asserted, "I did not go into that witness room on that day. I did not go into that witness room or that floor unless I had official business. If I had no official business I was not on that floor." The Respondent was asked, "You never brought any family members in that area?" He answered, "No."]

On cross-examination, Morgan testified that Police Officer Flower told him that there were five individuals with the Respondent in the Grand Jury waiting room. Flower told him that the Respondent's wife and daughter were there along with Travis' girlfriend and "two friends." Morgan testified that he is aware that Flower previously arrested the Respondent's son [REDACTED] and that the Respondent has lodged complaints against Flower.

The Respondent's Case

The Respondent called Police Officer Michael Flower as a witness and testified in his own behalf.

Police Officer Michael Flower

Police Officer Flower, who is currently assigned to the Military and Extended Leave Desk, testified that in May, 2005, he was assigned to PSA 7. He was specifically assigned to the Midnight Conditions Team at PSA 7. When he was asked whether during the two years prior to May, 2005, he ever arrested or was involved in a criminal investigation of either of the Respondent's sons, [REDACTED] and [REDACTED] he testified that he could not recall. He recalled that on May 10, 2005, he was inside the Bronx County District Attorney's office at the Grand Jury level of the building. He saw the Respondent there. He recalled that the Respondent was with his wife, his son's girlfriend, and two males who Flower recognized from the area. When he saw the Respondent, the Respondent was in a witness room located within the District Attorney's offices. He saw the Respondent walk down the hallway past the witness room and past the police room that is located in the witness room. He has not had any contact with the Respondent since May 10, 2005. He is not aware that any complaint has been filed by the Respondent against him with IAB or with the Civilian Complaint Review Board.

The Respondent

The Respondent testified that he has been married for 23 years and that he has three sons [REDACTED], [REDACTED] and [REDACTED]. He testified that [REDACTED] is presently on parole as the result of a criminal conviction. His youngest son [REDACTED] who was born in [REDACTED] was under 18 years of age in May, 2005. After [REDACTED] was arrested, he retained Fisher to represent him.

On May 10, 2005, he and his wife, accompanied by [REDACTED]'s girlfriend, went to the Bronx Criminal Courthouse where [REDACTED] was scheduled to appear in court that day. The

Respondent testified that when he left his home that day, he left his Department ID card inside his house. The Respondent was informed that [REDACTED] case would be called in Part F on the second floor of the courthouse. They entered that courtroom, sat down in the spectator area and waited. One hour later, Fisher came into Part F and told him that [REDACTED] would be testifying before the Grand Jury that day. The Respondent testified that he remained with his wife and [REDACTED] girlfriend inside the Part F courtroom. At 12:30 p.m., a court officer told him that they would have to leave because Part F was being closed for lunch recess. The Respondent testified that he and the rest of his party left the courthouse and went home. He testified that at 1:50 p.m., they went back to the courthouse. They entered the courthouse through the main, general public entrance and returned to Part F. After they had been inside that courtroom for about 20 to 25 minutes, Fisher entered the courtroom and told them that [REDACTED] had been indicted by the Grand Jury and that there was no reason for them to stay. They then left the courthouse.

On cross-examination, the Respondent testified that he could not have been with his wife and [REDACTED] girlfriend on the fourth floor of the Bronx Courthouse at 3:00 p.m. because he reported to his Department assignment at the Manhattan Court Section at 3:00 p.m. that day. He denied that he ever took them up to the fourth floor or into the Grand Jury Witness Waiting Room on that floor, that no one told him to leave and that he was never escorted out.

FINDINGS AND ANALYSIS

Specification Nos. 1 and 2

It is charged that the Respondent wrongfully engaged in conduct prejudicial to the good order, efficiency and discipline of the Department by entering the restricted Grand

Jury Witness Waiting Room without authorization and by escorting several unauthorized persons into that room.

It is not disputed that on the afternoon of May 10, 2005, the Respondent, his wife, and the girlfriend of his son [REDACTED], entered the Bronx Courthouse together and went upstairs where they consulted with attorney Martin Fisher who told them that the criminal charges that were pending against [REDACTED] were being presented to a Grand Jury. The Respondent testified that they did not enter onto the fourth floor, or enter the Grand Jury Witness Waiting Room on that floor, that no one told him to leave and that he was not escorted out.

I find the Respondent guilty because I credit the testimony of Assistant District Attorney Seoane that, because Police Officer Flower told her that [REDACTED] father, mother, and a young girl were in the Grand Jury witness waiting room, she personally entered that room, that she saw Fisher speaking to a man and two women, that when she asked Fisher who they were he told her, "That's my client's father, mother, and my client's girlfriend," and that Fisher pointed out the man he had referred to as his client's father. Seoane positively identified the Respondent in the trial room as the man that Fisher had pointed out to her. The record is devoid of any motive Seoane had to falsely identify the Respondent as the man she saw in the Grand Jury witness room.

I further credit Seoane's testimony that she notified Lieutenant Gorey who then responded to the Grand Jury witness room, that she saw Lieutenant Gorey speak to Officer Flower, and that she watched as Lieutenant Gorey escorted the Respondent and the two females who Fisher had identified as "my client's mother and my client's girlfriend," out of the Grand Jury witness waiting room.

The Respondent is found guilty.

Specification Nos. 3 and 4

It is charged that during an official Department interview conducted on October 26, 2005, the Respondent intentionally and wrongly made false and misleading official statements regarding a material matter in that he denied that he was on the fourth floor of the Bronx Courthouse on May 10, 2005; in that he denied that he was ever escorted out of the restricted Grand Jury Witness Waiting Room; and in that he denied that he ever escorted several unauthorized persons into the restricted Grand Jury Witness Waiting Room.

It is further charged that one year later, on October 20, 2006, the Respondent repeated these denials at a second official Department interview.

It is not disputed that at both of his official Department interviews the Respondent stated that he entered Bronx Courthouse on May 10, 2005, accompanied by his wife and his son's girlfriend, and that he escorted them upstairs. He denied that they had entered onto the fourth floor of that building; or that they entered the restricted Grand Jury Witness Waiting Room on that floor; or that they were escorted out of that area.

Since I credit Seoane's positive identification of the Respondent as the man she saw inside the Grand Jury witness room and since I credit her testimony that she watched as Lieutenant Gorey escorted the Respondent and two females, who Fisher had identified as Travis' mother and girlfriend, out of the Grand Jury witness waiting room, I find that the Respondent's denials were falsely made. Since this incident occurred on the day his son was indicted, this was a memorable event that the Respondent should have been able to recall when he was initially questioned about it less than six months later.

The Respondent is found guilty.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222 (1974).

The Respondent was appointed to the Police Department on July 18, 1996. Information from his personnel folder that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Respondent has been found guilty of engaging in off-duty conduct prejudicial to the good order, efficiency and discipline of the Department on May 10, 2005, by entering a restricted Grand Jury witness waiting room without authorization and by escorting several unauthorized persons into that room. The Respondent has also been found guilty of falsely stating at both of his official Department interviews that he was not on the 4th floor of the Bronx Courthouse on May 10, 2005, that he was never escorted out of the restricted Grand Jury witness waiting room, and that he never escorted several unauthorized persons into that room.

In Case No. 76957/01 (approved by the Police Commissioner on December 16, 2002), the Respondent police officer engaged in off-duty misconduct similar to the off-duty misconduct here, in that he entered a location that he knew he was not allowed to enter and he made false statements during his Official Interview when he denied that he had entered the location or that he had done anything wrong inside the location. In that case, the Respondent, an 11-year officer, forfeited 18 days served on pre-trial suspension after he was found guilty of having violated an Order of Protection taken out against him by his wife by entering his wife's residence and verbally harassing her. He was also found guilty of having made two false statements during his Official Interview when he

denied that he had entered his wife's residence and when he denied that he had called his wife a derogatory name.

However, this case differs from that case in one important aspect. The Respondent here has previously been found guilty of off-duty misconduct which included a charge that he had remained in the hallway of the Bronx Grand Jury area with no legitimate business purpose. That misconduct occurred during October, 2003 and also involved criminal charges pending against his son.²

Although this case marks the second time that the Respondent's concern about criminal charges pending against his son has caused him to improperly enter an area that he was aware is restricted to persons having business before the Bronx Grand Jury, this particular repeated off-duty misconduct does not cry out for his immediate separation from the service.

With regard to his misconduct under Specification Nos. 3 and 4, the Respondent accurately reported (at his initial official Department interview and at his second official Department interview conducted a year later) that he had entered Bronx Courthouse on May 10, 2005 accompanied by his wife and his son's girlfriend and that he escorted them upstairs. His only denials were that he never took them to the fourth floor of that building, or into the restricted Grand Jury Witness Waiting Room, and that he was never escorted out of that area. Although I have found that these answers were incorrect, the Respondent's representations constituted mere denials of the specific accusations made

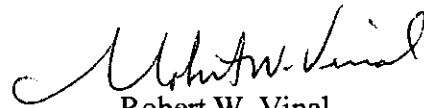
² That misconduct was the subject of a trial held on July 29, 2005 which resulted in a guilty finding which was approved by the Police Commissioner on January 26, 2006. As part of the penalty in that case, the Respondent was placed on dismissal probation (which expired on January 27, 2007). Although the Respondent's present misconduct regarding entering the Bronx Grand Jury area occurred on May 10, 2005, before his previous trial took place, the initial Charges and Specifications regarding his present misconduct were not prepared until February 21, 2006, at which point the Police Commissioner had already signed off on his previous case and the Respondent was already on dismissal probation.

against him. Thus, as with Case No. 76957/01 cited above, the Respondent did not attempt to mislead his interviewers by fabricating an elaborate exculpatory story.

I believe that the Respondent should be afforded a final opportunity to show that, despite his concern for a family member (his son), he can control himself and refrain from entering areas he knows are restricted.

I, therefore, recommend that the Respondent be DISMISSED from the New York City Police Department, but that his dismissal be held in abeyance for a period of one year, pursuant to Section 14-115 (d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at anytime without further proceedings. In addition, I recommend that he be suspended for 60 days.

Respectfully submitted,

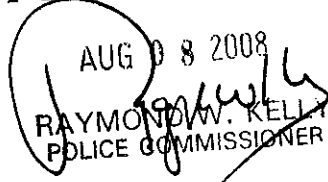


Robert W. Vinal

Assistant Deputy Commissioner-Trials

APPROVED

AUG 08 2008
RAYMOND W. KELLY
POLICE COMMISSIONER



POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER SOLOMON LESANE
TAX REGISTRY NO. 917869
DISCIPLINARY CASE NO. 81737/06

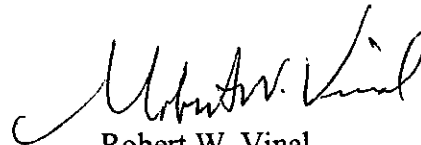
The Respondent received an overall rating of 4.5 on his 2006 annual performance evaluation. He has been awarded four Meritorious Police Duty medals and 18 Excellent Police Duty medals.

The Respondent has a prior disciplinary record:

In 1999, the Respondent forfeited 20 vacation days after he pleaded guilty to to a charge of failing to identify himself as a MOS to a uniformed MOS who responded to a dispute between the Respondent and a neighbor, and was found guilty of telephoning a phone number on the SPRINT report to ascertain who had called 911 to request that police respond to the dispute.

In January, 2006, the Respondent forfeited 45 vacation days and was placed on dismissal probation for one year after he was found guilty of making an inquiry in the FINEST system, during October 2003, about a criminal matter regarding his son which was unrelated to the Respondent's duties; making improper entries in his Activity Log; writing a profane remark in his Activity Log; using profanity during an official Department interview; failing to appear on time at an official Department interview; improperly standing at the office door of the ADA assigned to prosecute his son's case; and remaining in the hallway of the Grand Jury area when he had no legitimate, official police purpose to be there.

For your consideration.



Robert W. Vinal
Assistant Deputy Commissioner – Trials